



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/616,404 07/14/00 CHANG

CHANG Y-4

RONALD J. BARON, ESQ.
HOFFMAN & BARON
6900 JERICHO TURNPIKE
SYOSSET NY 11791

QM12/1010

EXAMINER

COMSTOCK, D

ART UNIT

PAPER NUMBER

3732

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

THE PATENT TERM ADJUSTMENT TO DATE IS 00 DAYS. IF THE PATENT
ISSUE FEE IS PAID ON THE DATE THAT IS THREE MONTHS AFTER THE
MAILING DATE OF THIS NOTICE AND THE PATENT ISSUES ON THE
TUESDAY BEFORE THE DATE THAT IS 28 WEEKS (SIX AND A HALF
MONTHS) AFTER THE MAILING DATE OF THIS NOTICE, THE TERM
ADJUSTMENT WILL BE 00 DAYS.

B

Notice of Allowability

Application No.

09/616,404

Examiner

David C. Comstock

Applicant(s)

CHANG, YONG JIN

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview on 3 October 2001.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 14 July 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
(a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

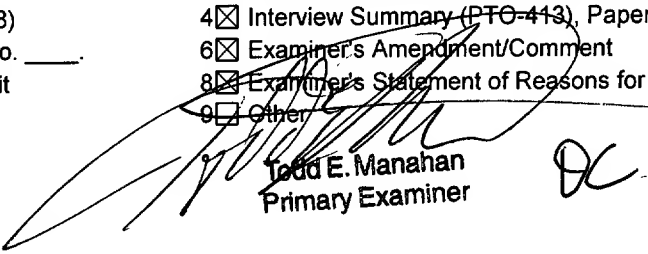
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No. _____.
(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
5 ☐ Information Disclosure Statements (PTO-1449), Paper No. _____.
7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)
4 ☒ Interview Summary (PTO-413), Paper No. 7.
6 ☒ Examiner's Amendment/Comment
8 ☒ Examiner's Statement of Reasons for Allowance
9 ☐ Other


Todd E. Manahan
Primary Examiner

Art Unit: 3732

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven T. Zuschlag on 3 October 2001.

Claim 1, line 4, ~~being~~ entirely substantially clear and transparent and ~~has~~ been inserted after "portion".

Claim 1, line 5, after "fingernail" (second occurrence), "allowing" has been deleted.

Claim 1, line 5, after "fingernail" (second occurrence), ~~to display~~ substantially all of ~~has~~ been inserted.

Claim 1, line 6, after "bed", "to be visible" has been deleted.

Claim 5, line 5, after "portion", ~~being~~ entirely substantially clear and transparent and ~~has~~ been inserted.

Claim 5, line 6, after "fingernail" (second occurrence), "allowing" has been deleted.

Claim 5, line 6, after "fingernail" (second occurrence), ~~to display~~ substantially all of ~~has~~ been inserted.

Claim 6, line 5, after "portion", ~~being~~ entirely substantially clear and transparent and ~~has~~ been inserted.

12

B

Art Unit: 3732

Claim 6, line 12, after "bed" (first occurrence), "and" has been deleted.

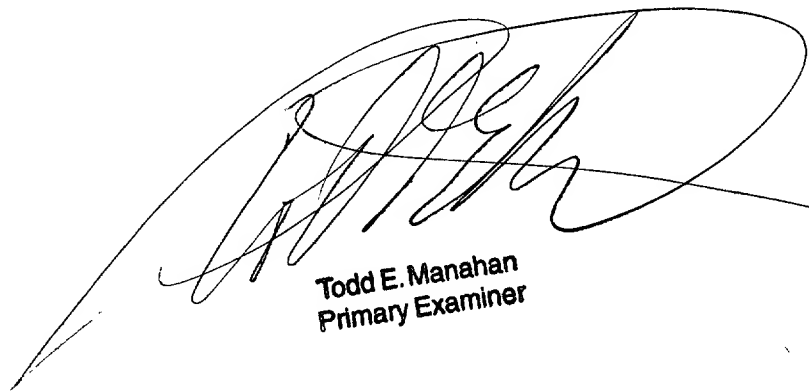
Claim 6, line 12, after "bed" (first occurrence), --to display substantially all of--
has been inserted.

Claim 6, line 12, after "bed" (second occurrence), "is visible" has been deleted.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to David C. Comstock whose telephone number is (703)
308-8514.

OC

D.C. Comstock
October 3, 2001

A large, stylized handwritten signature in black ink, likely belonging to Todd E. Manahan, is written over the printed name and title.

Todd E. Manahan
Primary Examiner

B



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

QM12/1010

RONALD J. BARON, ESQ.
HOFFMAN & BARON
6900 JERICHO TURNPIKE
SYOSSET NY 11791

| APPLICATION NO. | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED |
|-----------------------|-------------|-----------------------------------|-----------------------------|---------------|
| 09/616,404 | 07/14/00 | 006 | COMSTOCK, D | 3732 10/10/01 |
| First Named Applicant | CHANG, | 35 USC 154(b) term ext. = 0 Days. | | |

TITLE OF INVENTION ARTIFICIAL NAIL AND METHOD OF APPLYING SAME

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEE DUE | DATE DUE |
|-------------------|----------------|-------------|-------------|--------------|----------|----------|
| 2 | CHANG Y-4 | 132-200.000 | N35 UTILITY | YES | \$640.00 | 01/10/02 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Application/Control Number: 09/616,404

Art Unit: 3732

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Pursuant to the interview on 3 October 2001, the claims were amended to overcome the prior art of record and the rejections in the Office action mailed on 1 August 2001, paper # 6.

Claims 1, 5 and 6, as now amended require the nail bed to be "entirely substantially clear and transparent". Hamburg discloses an artificial fingernail that may be made from a transparent material. However, Hamburg includes a colored portion 15 on the nail bed, therefore, Hamburg teaches away from the invention as now claimed. Regarding claim 6, Nakata et al. (4,615,348) disclose a method of applying artificial fingernails comprising applying a translucent pink adhesive to an artificial nail. Nakata et al. do not disclose an artificial nail having an entirely substantially clear and transparent nail bed portion.

Thus, neither Hamburg nor any other known prior art or reasonable combination thereof discloses the claimed invention including an entirely substantially clear and transparent nail bed portion. Therefore, the claims amended to include this limitation are allowable over the prior art of record. Independent claims 1, 5 and 6 were amended to include this limitation and as such are allowable over the prior art of record. Dependent claims 2, 3 and 4 include the limitations of base claim 1 and, therefore, also are allowable over the prior art of record.

B

Application/Control Number: 09/616,404

Art Unit: 3732

Since this reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this is considered to fulfill the response requirements of the last Office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Comstock whose telephone number is (703) 308-8514.

D.C. Comstock
October 3, 2001

Todd E. Manahan
Primary Examiner

B

PART B—ISSUE FEE TRANSMITTAL

Complete and mail this form, together with applicable fees, to:

Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

JAN 8 8 2002

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent Office orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

RONALD J. BARON, ESQ.
HOFFMAN & BARON
6900 JERICHO TURNPIKE
SYOSSET NY 11791

QM12/1010

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own Certificate of mailing.

Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

Karen DeSalvo

(Depositor's name)

(Signature)

October 30, 2001

(Date)

| APPLICATION NO. | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED |
|-----------------------|-------------|--------------|-----------------------------|---------------|
| 09/616,404 | 07/14/00 | 006 | COMSTOCK, D | 3732 10/10/01 |
| First Named Applicant | CHANG, | 35 | USC 154(b) term ext. = | 0 Days. |

TITLE OF INVENTION ARTIFICIAL NAIL AND METHOD OF APPLYING SAME

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPL. TYPE | SMALL ENTITY | FEE DUE | DATE DUE |
|-------------------|----------------|-------------|------------|--------------|---------|----------|
| 2 | CHANG-Y-4 | 132-200.060 | N35 | UTILITY | YES | 01/10/02 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Hoffmann & Baron, LLP

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE
Kiss Products, Inc.

(B) RESIDENCE (CITY & STATE OR COUNTRY)
Port Washington, New York

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☒ Issue Fee
☒ Advance Order - # of Copies 10

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER 08-2861
(ENCLOSE AN EXTRA COPY OF THIS FORM)

☐ Issue Fee
☐ Advance Order - # of Copies

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

01/14/2002 MBZUNE2 00000118 09616404

02 FEB 2002

640.00 00

TRANSMIT THIS FORM WITH FEE